

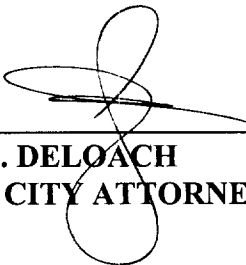
Entered - 04/15/03 - sb
CL03L0288 - DIANNE C. MITCHELL

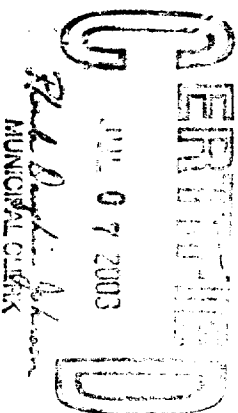
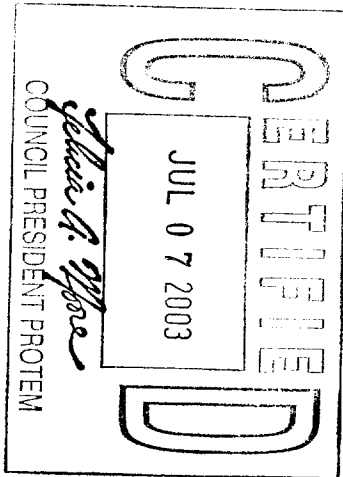
CLAIM OF: CLARENCE JACKSON
1046 Parsons Street
Atlanta, Georgia 30314

03-*R*-0994

For damages alleged to have been sustained as a result of property damage due to a storm sewer overflow on September 21, 2002 at 1046 Parsons Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY




ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/1/03

CHAIR: 

Carli M. and

Harry Woodward

John Smith

Chela Henderson



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 9, 2003

Clarence Jackson
1046 Parsons Street
Atlanta, GA 30314

03-R-0994

Dear Mr. Jackson:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0288

Date: June 13, 2003

Claimant /Victim CLARENCE JACKSON

BY: (Atty.)(Ins. Co.)

Address: 1046 Parsons Street, Atlanta, Georgia 30314

Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$

Date of Notice: 04/01/03 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 09/21/02 Place: 1046 Parsons Street

Department Watershed Management Bureau: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his property was damaged due to a storm sewer overflow. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

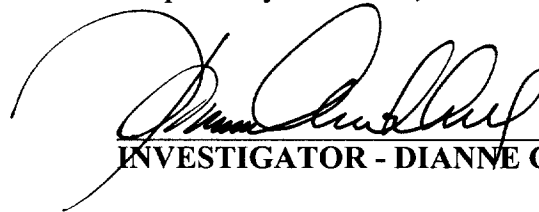
Improper Notice More than Six Months X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: Concur/date 06-16-03

Committee Action: Council Action

RCS# 4853
7/07/03
4:05 PM

Atlanta City Council

Regular Session

CONS AGEN I Pgs 1 - 14 except:0715,0976
0852, 0950, 0946, 0963, 0926, 0975
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | Y Boazman | B Woolard |

| | | 7/07/03 Full Council Meeting |
|--|---|--|
| ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 03-O-0850 2. 03-O-0949 3. 03-O-0955 4. 03-O-0909 5. 03-O-0961 6. 03-O-0553 7. 03-O-0925 8. 03-R-0981 9. 03-R-0956 10. 03-R-0965 11. 03-R-1033 12. 03-R-0920 13. 03-R-0945 14. 03-R-0966 15. 03-R-0967 16. 03-R-0968 17. 03-R-0969 18. 03-R-0977 19. 03-R-0978 20. 03-R-0979 21. 03-R-0889 22. 03-R-0940 23. 03-R-0941 24. 03-R-0942 25. 03-R-0943 26. 03-R-0944 27. 03-R-0962 28. 03-R-0983 29. 03-R-0984 30. 03-R-0985 31. 03-R-0986 32. 03-R-0987 33. 03-R-0988 34. 03-R-0989 35. 03-R-0991 36. 03-R-0992 37. 03-R-0994 | 38. 03-R-0989 39. 03-R-0991 40. 03-R-0992 41. 03-R-0994 42. 03-R-0995 43. 03-R-0996 44. 03-R-0997 45. 03-R-0998 46. 03-R-0999 47. 03-R-1000 48. 03-R-1001 | 49. 03-R-1002 50. 03-R-1004 51. 03-R-1005 52. 03-R-1006 53. 03-R-1007 54. 03-R-1008 55. 03-R-1009 56. 03-R-1010 57. 03-R-1011 58. 03-R-1012 59. 03-R-1013 60. 03-R-1014 61. 03-R-1015 62. 03-R-1016 63. 03-R-1017 64. 03-R-1018 65. 03-R-1019 66. 03-R-1020 67. 03-R-1021 68. 03-R-1022 69. 03-R-1023 70. 03-R-1024 71. 03-R-1025 72. 03-R-1026 73. 03-R-1027 74. 03-R-1028 |

Consent I Vote: 15 Yeas; 0Nays: (See RCS #4853)

Items Removed from the Consent Agenda: 03-O-0852; 03-O-0926; 03-O-0950; 03-R-0715; 03-R-0946; 03-R-963; 03-R-0975; 03-R-0976